

**County of San Diego
Valle De Oro Community Planning Group
P.O. Box 936
La Mesa, CA 91944-0936**

REGULAR MEETING MINUTES: July 20, 2010

LOCATION: Otay Water District Headquarters
Training Room, Lower Terrace
2554 Sweetwater Springs Blvd.
Spring Valley, California 91978-2004

1. CALL TO ORDER: 7:05 PM Jack L. Phillips, presiding Chair

Members present: Brennan, Brownlee, Feathers, Fitchett, Forthun, Hyatt, Manning, Mitrovich, Myers, Phillips, Reith

Absent: Henderson, Millar, Ripperger, Wollitz

2. FINALIZE AGENDA: As shown

3. OPEN FORUM: None

4. APPROVAL OF MINUTES: Minutes of July 6, 2010 **VOTE: 9-0-1 to approve.**
Abstained: Brownlee. (Forthun late)

5. LAND USE

- a. VAR10-007: 4428 Carmen Drive; setback variance requested for construction of a new residence. The proposal is to position a portion of the residence 20' from Carmen Drive, construct a keystone retaining wall up to 16' high with its closest point 6' from Carmen Drive, construct a swimming pool/spa 12' from Carmen Drive, position the residence 13' from Ad Astra, and construct up to 10' high retaining walls adjacent to Ad Astra.

FITCHETT presented the project. This is a request for variances to construct a single family residence at 4428 Carmen Drive. Carmen Drive is off Calavo Drive in the Mt Helix area. Carmen Drive circles a steep hill that has a Helix Water Tank at its top. The parcel is zoned RR-2 with a required minimum lot size of 0.5 acre. However, this parcel is only 0.38 acres and is therefore substandard and non-conforming to zoning. The terrain on the parcel is steep with an approximate 40 percent slope and appears to have once been an avocado grove. The parcel is elongated, triangular in shape and is bordered by Carmen Drive on the north and the private street Ad Astra Way on the south. The requested variances are required to be able to construct a 4,200 sq ft residence with pool, spa, 3 patios, ~900 sq ft garage, and ~250 sq ft terrace.

Bruce Clark, an architect and the former property owner, further explained. He originally submitted property plans when he owned the property in 2004. Subsequently, he sold the property to current owner. The County is now imposing a 50' front yard

setback which is different than what was approved in 2004. One property owner out of eight neighboring properties did not sign off on the variance for the front yard setback.

Carlos Arias of 4431 Carmen Drive opposes the variances. He said the lot in question is small and steep and that the County should not reduce the setbacks. He stated that the other homes do have a 50' setback. He said that this project will adversely impact his property. He believes the setback is needed due to the substantial steepness in grade of the lot. He stated that there is a 90 foot difference in elevation from lowest to highest point of the project property. He believes that this project will devalue his property. Furthermore, he thinks that the proposed driveway access to the property is not safe since it is in a blind spot.

Todd Pittman of 4410 Carmen Drive referred to the plot plan and believes that the building will be 13' from the property line plus 6' of Helix Water easement for a total setback of 19'.

Clark responded to Arias' comments. He stated that the County gave him a map which showed that neighboring setbacks were not 50'. He further stated that Arias' driveway is below grade. Clark believes the proposed house would have a small intrusion into the setback area.

FITCHETT then presented the sub-committee report, as follows. The procedure for granting a Variance is specified in Section 7100 of the county Zoning Ordinance. Before any variance can be granted, it must satisfy six required findings. Failure to satisfy any one of these six required findings will result in denial of the variance. (Copy of the six required findings is attached to the agenda).

The Sub-Committee could not make all the findings required to approve this Variance request. Specifically, the findings required for items c, e and f could not be satisfied.

Item c:

Since this lot is non-conforming and substandard, with only approximately .3 acres of usable area, it is not entitled to the same privileges as a conforming lot of .5 acres or larger.

The southern portion of the lot is incorrectly designated as a 'side yard'. Due to this portion of the parcel being adjacent to the street 'Ad Astra Way', it should be designated as an "Exterior Side Yard". Accordingly, the setback assigned should be 35' rather than 10'.

The eastern portion of the lot is believed to be the Rear Yard; it too is not clearly delineated with a 40 ft setback on the Plot Plan. The residence encroaches into the rear yard setback.

Zoning Ordinance Section 4835b specifies that outdoor swimming pools are not permitted within either a Front or Exterior Side Yard setback. The Plot Plan refers to the northern part of the lot as both a 'Front Yard' as well as an 'Exterior Side Yard'. Either designation results in the swimming pool not being authorized.

In addition, the Plot Plan shows patios and retaining walls are to be constructed even though they also project into Required Setbacks.

Item e:

This project will have an adverse visual impact. Compared to the other homes along Carmen Drive, this project consists of out of scale structures incompatible with the character this semi-rural community.

An ~270' long retaining wall, reaching heights as high as 16', will be built along and close to Carmen Drive. The size and design of the home, pool and spa necessitate the residence be surrounded by such retaining walls.

An additional ~190' of retaining wall is to be erected, up to 10 ft in height abutting Ad Astra Way. Construction of this retaining wall may impact the structural soundness of the road.

Item f:

The average slope of this lot appears to be greater than 40%. The Plot Plan does not meet the 70% natural open space requirement specified in the slope development requirements of Part XII (Valle de Oro Community Plan) of the San Diego County General Plan.

FITCHETT **moved** to recommend denial of the requested variance, VAR10-007, in that the following three required findings could not be satisfied:

1. The proposed variance would constitute a grant of special privileges inconsistent with the limitations upon other properties in the neighborhood.
2. The design, bulk and scale, and visual impact of the extensive retaining walls and oversized residential structure will have a harmful effect on neighboring properties and residents.
3. The proposed project violates the slope development requirements specified in Part XII, San Diego County General Plan.

(BRENNAN seconds.)

MITROVICH asked if the incompatible structure was the retaining wall. FITCHETT answered that it was both the retaining wall and building structure. MITROVICH asked that with regard to the open space requirement in relation to the slope, what the difference was. FITCHETT said that there was no designated open space although there may be open space there that is not shown. FORTHRUN stated that based on the setbacks and 70% open space requirement that the lot would be unbuildable. PHILLIPS stated that the centerline of Ad Astra is important. He added that the average structures in the area are much smaller than this proposed 4200 SF structure and the other lots are much bigger. This proposal puts a structure all along Carmen and is completely out of context. HYATT is concerned about the safety getting on and off the property. The resident may have difficulty turning around without backing up. The driveway is not perpendicular to Carmen so it makes it worse. MITROVICH asked if this was on sewer. Clark said it was. He also said his driveway is not as severe as others including Arias'. MYERS had an issue with the request for a front yard setback variance and a west side setback. Arias

is concerned with the proposed driveway being on a curve. PHILLIPS states that in this case what is needed is a house structure which is terrain adaptive instead of the proposed one with all the patios requiring retaining structures. Also, if the house size was reduced then review of the existing variances along Carmen and Ad Astra could possibly result in lesser variances. For this proposal, the front of this property is Carmen. A design can be derived to work on this parcel. PHILLIPS offered to work with Clark to determine allowable variances which might work in this situation. **VOTE 10-1-0** to recommend variance denial. FORTHRUN opposed.

6. NEW BUSINESS

a. Department of Parks and Recreation Request for a park project priority list for the expenditure of Park Land Dedication Ordinance (PLDO) funds in Valle de Oro and a Recreation Programming Priority list (cultural arts, athletics, special events, etc).

Our previous priority listing, which remains unchanged from those established in 2005, in descending order is Estrella Park, Damon Lane and Fury Lane's Children's Park. HYATT asked what is the cost for implementing the improvement design for Estrella Park. PHILLIPS doesn't know. BROWNLEE **moved** to delineate our priorities as we have in prior years as stated above. (MITROVICH seconds). **VOTE 11-0-0**

6. NEW BUSINESS

7. UNFINISHED BUSINESS: None

8. CHAIRMAN'S REPORT Supervisor Jacob made a motion several months ago instructing staff to find ways to improve community representation while reducing the Planning Group's and County's liabilities through the FPPC and the Brown Act. In other words, she doesn't want elected Planning Groups that report to FPPC. PHILLIPS stated that we don't get involved with conflict of interest issues and we religiously conduct our meetings with the Brown Act. He believes that this issue seemed to start with the Land Use & Environment Group Director Sandra Willard. He fears that they may do away with the Planning Groups and give in to the developers. Also, this could be the concern of different Planning Groups where there are members who are local business owners or realtors who may be uncomfortable with FPPC Form 700 reporting rules.

9. ADJOURNMENT 8:25 PM

Submitted by: Jösan Feathers